

State of California
AIR RESOURCES BOARD

Second Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE CURRENT
SPARK-IGNITION MARINE ENGINE AND BOAT REGULATIONS

Public Hearing Date: July 24, 2008
First Public Availability Date: March 25, 2009
Second Public Availability Date: May 14, 2009
Deadline for Public Comment: May 30, 2009

At its July 24, 2008, public hearing, the Air Resources Board (ARB or the Board) approved the amendment to the California Code of Regulations, title 13, sections 2111, 2112, and Appendix A, within Chapter 2, Article 2.1; section 2139 within Chapter 2, Article 2.3, California Code of Regulations; title 13, section 2147 within Chapter 2, Article 2.4, California Code of Regulations; title 13, and sections 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444.1, 2444.2, and 2445, and the repeal of California Code of Regulations, title 13, section 2448, within Chapter 9, Article 4.7. The Board further approved amendments to the following documents incorporated by reference in California Code of Regulations: title 13, section 2447, "California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines," as last amended September 22, 2006, and in section 2474, title 13, California Code of Regulations: "Procedures for Exemption of Add-On and Modified Parts for Off-Road Categories," as adopted July 14, 2000.

The Board's approval provides relief to the small volume manufacturers of high performance stern drive and inboard engines (those with rated power greater than 373 kilowatts) by allowing them to certify engines to less stringent exhaust standards than would have otherwise been required under the existing regulation (i.e., 5.0 grams per kilowatt-hour combined hydrocarbons and oxides of nitrogen (g/kW-hr HC+NO_x)). However, to preserve the emission benefits of the existing regulation, high performance engines must not exceed 16.0 g/kW-hr HC+NO_x and may only be installed in boats with enhanced evaporative control capability that includes activated carbon canisters. Large volume manufacturers of high performance engines must continue to comply with the catalyst-based 5.0 g/kW-hr HC+NO_x exhaust standard and must also ensure that their engines are installed in boats with enhanced evaporative control capability. The Board approved additional provisions allowing manufacturers greater flexibility in complying with these requirements. Additionally, the Board's approval requires manufacturers to limit emissions of carbon monoxide from all categories of spark-ignition marine engines and provides greater alignment with federal requirements for marine engines and boats recently adopted by the United States Environmental Protection Agency (U.S. EPA).

At the hearing, the staff presented, and the Board approved modifications to the regulations originally proposed in the Staff Report released on June 6, 2008. In response to the comments received after the Staff Report was published and at the Board hearing on July 24, 2008, modified text was made publicly available for a 15-day comment period on March 25, 2009. The modified text described in this document responds to comments received during the 15-day comment period that ended April 9, 2009. The following explains and identifies the additional modifications by section number:

Summary of Proposed Modifications

TITLE 13, CALIFORNIA CODE OF REGULATIONS

§ 2441 – Definitions

The (a)(40) definition of “Maximum Engine Power” was revised to state that the power value for marine engines less than or equal to 30 kilowatts must be rounded to the nearest one tenth of a kilowatt (i.e., 0.1 kW), but that the power value for all other marine engines must remain rounded to the nearest whole kilowatt. This change will harmonize the criteria for determining marine power categories with that of U.S. EPA. The practical implication of this change in California should be relatively insignificant since California, unlike U.S. EPA, does not employ the use of a credit program for complying with the standards. Nevertheless, staff is making this change to ensure a common power classification for all marine engines nationwide and to facilitate the certification efforts of manufacturers that produce engines in this range.

§ 2442 – Emission Standards

Paragraph (c) was revised to include new subparagraph (3) exempting engine families that had previously been certified using carry-over emission data from the 2009 model year from the Not-To-Exceed (NTE) certification requirements until 2013. This compliance provision was unintentionally omitted from staff’s previous recommendation to modify the original proposal, but is necessary to ensure alignment with the NTE requirements promulgated by U.S. EPA on October 8, 2008, in 40 Code of Federal Regulations 1045.145(g) as was always intended and as shown in the originally noticed proposal.

Furthermore, subparagraph (4) has been appended to paragraph (c) to clarify that the NTE requirements do not apply to high performance sterndrive/inboard engines. The existing language accomplishes this through the omission of Table 2.1(b) when defining the scope of applicability as specific to engines subject to the standards in Tables 1.1, 1.2, and 2.1(a) only. For consistency with those tables, staff proposes this change to state explicitly the exclusion of high performance engines.

TEST PROCEDURES INCORPORATED BY REFERENCE

The same proposed modifications to the regulations as described above are also proposed for the corresponding test procedure provisions, and their descriptions are not repeated in this section.

Part I - Emission Regulations for 2001 and Later New Spark-Ignition Marine Engines, General Provisions.

20. Test Procedures, General Requirements.

Paragraph (c) was appended with graphical illustrations of the applicable NTE zones and subzones corresponding to the text-only reference of test procedures from the Code of Federal Regulations. The incorporation of these graphs is to facilitate the identification of required test parameters for those without ready access to the Code of Federal Regulations. Additionally, a sentence was added to paragraph (c) to temporarily allow supercharged four-stroke outboard engines greater than 150 kW without catalysts to comply with the NTE requirements using adjusted NTE subzones until 2015. This compliance provision was unintentionally omitted from staff's previous recommendation to modify the original proposal, but is necessary to ensure alignment with the NTE requirements promulgated by U.S. EPA on October 8, 2008, in 40 Code of Federal Regulations 1045.145(j) as was always intended and as shown in the originally noticed proposal.

Staff has made several other non-substantive modifications throughout the regulations and test procedures to correct grammatical and typographical errors, correct references and citations, and improve the clarity of the regulations and test procedures.

The regulatory documents for this rulemaking are available online at the following ARB website:

<http://www.arb.ca.gov/regact/2008/marine08/marine08.htm>

In accordance with the Government Code, section 11346.8, the Board directed the Executive Officer to adopt amended sections 2441 and 2442, 13 California Code of Regulations, and amended sections 9, and 20 of Part I of the "California Exhaust Emission Standards and Test Procedures for 2001 Model Year and Later Spark-Ignition Marine Engines," with such other conforming modifications as may be appropriate, after making the modified regulatory language available to the public for comment for a period of at least fifteen days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments will only be accepted on the second set of proposed modifications as noted and as approved by the Board and may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

Please note that under the California Public Records Act (Gov. Code § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request. Additionally, this information may become available via Google, Yahoo, and any other search engines.

In order to be considered by the Executive Officer, comments must be directed to ARB in one of the three forms described above and received by ARB by 5:00 p.m., on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

For individuals with sensory disabilities, this document and other related material can be made available in Braille, large print, audiocassette, or computer disk. For assistance, please contact the Clerk of the Board at (916) 322-5594 or by Facsimile at (916) 322-3928 as soon as possible.

Appendices (2):

- I.2 – Staff's Supplemental Modifications to the Proposed Regulation Order
- II.2 – Supplemental Test Procedure Modifications

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs see our website at www.arb.ca.gov.